

APA1  
07/04

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. N/A Department or Agency Board of Dental Examiners of Alabama  
Rule No: 270-X-3.10  
Rule Title: Duties of Allied Personnel  
         New   X   Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

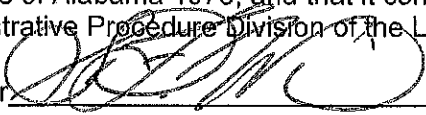
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Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 2/16/16

(DATE FILED)  
(STAMP)

APA2  
07/04

**Board of Dental Examiners of Alabama**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Board of Dental Examiners of Alabama

RULE NO. & TITLE: 270-X-3.10 Duties of Allied Personnel

INTENDED ACTION: Amendment

**SUBSTANCE OF PROPOSED ACTION:**

This proposed amendment allows for two additional topical agents to be applied by dental hygienists and/or assistants working under the direct supervision of a licensed dentist. The amendment also allows for dental hygienists and/or assistants working under the direct supervision of a licensed dentist to make impressions and pre-fit additional intra-oral structures.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

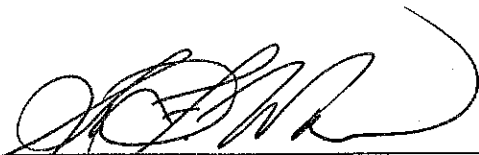
A Public Hearing will be convened at 6:30 pm on Thursday, April 7, 2016 at:  
5346 Stadium Trace Parkway, Suite 112  
Hoover, Alabama 35244

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Any written comments must be received by April 4, 2016. Comments may be sent via mail or email at the addresses below.

**CONTACT PERSON AT AGENCY:**

Ms. Susan F. Wilhelm  
*Executive Director and General Counsel*  
5347 Stadium Trace Parkway, Suite 112  
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Susan Franklin Wilhelm  
Board of Dental Examiners of Alabama

### **270-X-3.10 Duties Of Allied Dental Personnel.**

Allied dental personnel are dental hygienists, dental assistants and dental laboratory technicians.

Subject to the prohibition that no intra-oral procedure can be performed unless under the direct supervision of a duly licensed dentist as defined by Board rule, the following allied dental personnel may perform the following:

(1) Dental Laboratory Technicians:

- (a) No intra-oral duties are allowable other than assisting the dentist in determining tooth color.

(2) Dental Assistants and Dental Hygienists:

- (a) Preliminary charting and inspection of the oral cavity. (Final examination and diagnosis must be made by a dentist before treatment can be instituted.)

- (b) Apply topical agents under direct supervision of the dentist.

1. Apply topical anesthetics.
2. Oxygenating Agents. (Excluding endodontic therapy.)
3. Apply anti-inflammatory agents.
4. Apply astringents.
5. Desensitizing agents.
6. Topical fluoride.
7. Apply light-cured medicinal bonding agents.
8. Apply etchant materials.

- (c) Place and remove rubber dam.

- (d) Place and remove periodontal dressings.

- (e) Place and remove alveolar socket dressings.

- (f) Construct and remove with hand instruments only interim restorations. (Interim restorations being any restoration placed while a more permanent restoration is being completed.)
- (g) Construct and place temporary crowns (excluding stainless steel crowns placed with intentions of reasonable permanency.)
- (h) Contour stainless steel or chrome crowns but cannot cement them.
- (i) Pre-fit and pre-contour orthodontic appliances either extra-orally or intra-orally for final adaptation by the dentist.
- (j) Remove excess cement with hand instruments from around permanent dental restorations and orthodontic appliances.
- (k) Make impressions for diagnostic casts or opposing casts.
- (l) Place, wedge and remove matrices for operative dentistry.
- (m) Take and record case history, blood pressure, pulse, and oral temperature.
- (n) Remove intraoral sutures. (Excluding wire sutures.)
- (o) Make dental radiographs.
- (p) Give oral hygiene instructions including plaque staining, flossing, brushing, and caries susceptibility tests.
- (q) Place cavity liners and bases. (Excluding capping of exposed pulpal tissues.)
- (r) Assist in the administering of N<sub>2</sub>O and O<sub>2</sub>.
- (s) Insert into the mouth of the patient wax models of dentures, partial dentures, or any other structures and make adjustments outside the mouth of the patient to such wax models pursuant to written or verbal instructions or directions from the dentist; provided, however,

1. That the dental hygienist or dental assistant may use these wax models of dentures, partial dentures or any other structure to register the jaw relationships or occlusal relationships of the patient; and,

2. That before such wax models may be used for the manufacture of dentures, partial dentures or other structures the dentist shall personally consult with the patient, examine such wax models, and make such additional adjustments as may be required.

(t) Insert into the mouth of the patient dentures, partial dentures, removable orthodontic appliances, prostheses, devices to treat sleep apnea or anti-snoring devices, or any other structures and make adjustments outside the mouth of the patient to the dentures, prostheses (fixed or removable), removable orthodontic appliances, prosthetic appliances, bridges, or other structures pursuant to written or verbal instructions or directions from the dentist; provided, however,

1. That before such prostheses (fixed or removable), removable orthodontic appliances, or other structures are delivered to the patient leaving the dental office with such removable orthodontic appliances, prostheses (fixed or removable) or other structures the dentist shall personally consult with the patient, examine such prostheses (fixed or removable), removable orthodontic appliances, or other structures, and make such additional adjustments as may be required; and

2. That final placement and cementation of all fixed appliances, fixed prostheses and other fixed structures shall be performed by the dentist.

(u) Apply reversible liners and bases to prostheses, orthodontic appliances, or any other structures. However, the dentist shall personally consult with the patient and examine such liners and bases, and make such additional adjustments as may be required.

(v) Place and remove gingival retraction materials.

(w) Make final impressions for removable and fixed prostheses, orthodontic appliances, retainers, devices to treat sleep apnea or anti-snoring devices, and medicament/whitening delivery trays. However, before said impressions may be used for the manufacture of prostheses and appliances, the dentist shall examine and approve such impressions for accuracy.

(x) Use laser and/or narrow band (light) imaging technology for preliminary diagnostic purposes only with the dentist's final examination and diagnosis.

(3) Dental Hygienists Only:

(a) Remove extrinsic stains, accretions, and calcareous deposits from teeth.

(b) Gingival curettage.

(c) Root planing.

(d) Polish completed restorations.

(e) Place Pit and Fissure Sealant and polish and adjust sealant as needed.

(f) Place resorbable chlorhexidine chips.

(g) Place topical or sub-gingival antimicrobial or antibacterial agents.

(h) Periodontal probing

Author: Board of Dental Examiners of Alabama

Statutory Authority: Code of Ala. 1975, §§34-9-2, 34-9-6, 34-9-27, 34-9-43.

History: Filed September 28, 1982. Amended: Filed February 12, 1985; June 9, 1987. Amended: Filed April 3, 1997; effective May 8, 1997. Amended: Filed September 26, 2000; effective October 31, 2000. Amended: Filed July 11, 2003; effective August 15, 2003. Amended: Filed March 8, 2007; effective April 12, 2007. Amended: Filed February 22, 2012; effective March 28, 2012. Amended: Filed November 6, 2012; effective December 11, 2012.